

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ZITO FAMILY TRUST; THOMAS J.
ZITO, SOLE TRUSTEE,

Plaintiffs,

v.

JOHN HANCOCK FINANCIAL
SERVICES, INC., et al.,

Defendants,

No. 2:21-cv-2098 DAD DB PS

ORDER TO SHOW CAUSE

Plaintiff Thomas Zito is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). On June 5, 2023, the undersigned granted defendant's motion to dismiss and granted plaintiff leave to file an amended complaint within twenty-eight days. (ECF No. 37.)

On June 27, 2023, plaintiff filed a document styled "to explore in depth the 'plausible' proposition" that Keith Holland, the Clerk of the Court, "accepted a bribe from John Hancock Insurance Company." (ECF No. 39 at 1.) Therein, plaintiff acknowledges receipt of the June 5, 2023 order and asserts that "it is clearly another example of Holland's tactics and the arrogance of his dealing with the judge assigned to adjudicate my lawsuit against Hancock." (*Id.* at 4.) Plaintiff accuses the Clerk of the Court of "attempting to muddy the waters," and acting with a "sense of impunity." (*Id.*) To what plaintiff is referring is entirely unclear.

1 Plaintiff filed a similar document on June 20, 2023. (ECF No. 38.) In future filings
2 plaintiff shall refrain from making such unwarranted and inappropriate allegations against the
3 Clerk of the Court. Moreover, plaintiff has failed to file an amended complaint in compliance
4 with the June 5, 2023 order.

5 Plaintiff is cautioned that the failure of a party to comply with the any order of the court
6 “may be grounds for imposition by the Court of any and all sanctions authorized by statute or
7 Rule or within the inherent power of the Court.” Local Rule 110. Any individual representing
8 himself or herself without an attorney is nonetheless bound by the Federal Rules of Civil
9 Procedure, the Local Rules, and all applicable law. Local Rule 183(a). A party’s failure to
10 comply with applicable rules and law may be grounds for dismissal or any other sanction
11 appropriate under the Local Rules. Id.

12 In light of plaintiff’s pro se status and the interest of justice, plaintiff will be given a final
13 opportunity to comply with the June 5, 2023 order.

14 Accordingly, IT IS HEREBY ORDERED that:

15 1. Within fourteen days of the date of this order plaintiff shall either file an amended
16 complaint that cures the defects noted in the June 5, 2023 order or show cause as to why this
17 action should not be dismissed for failure to prosecute¹; and

18 2. Plaintiff is cautioned that the failure to comply with this order in a timely manner may
19 result in a recommendation that this action be dismissed.

20 DATED: October 20, 2023

/s/ DEBORAH BARNES

UNITED STATES MAGISTRATE JUDGE

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28 ¹ Alternatively, if plaintiff no longer wishes to pursue this action plaintiff may file a notice of
voluntary dismissal of this action pursuant to Rule 41 of the Federal Rules of Civil Procedure.